

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Alphonso Tucker,)	
)	C/A No. 0:15-2798-MBS
Plaintiff,)	
)	
vs.)	
)	
Nancy A. Berryhill, Acting Commissioner)	ORDER
of Social Security,)	
)	
Defendant.)	
_____)	

Plaintiff Alphonso Tucker, proceeding pro se and in forma pauperis, filed a complaint on July 16, 2015, seeking judicial review of a final decision of Defendant Acting Commissioner of Social Security denying Plaintiff's claims for disability insurance benefits and retroactive supplemental security income benefits. By order filed November 15, 2016, the court dismissed the case for lack of subject matter jurisdiction. Plaintiff filed a notice of appeal on December 2, 2016. On June 27, 2017, the Court of Appeals for the Fourth Circuit remanded the case with instructions to enter a final judgment reversing the decision of the Administrative Law Judge (ALJ) and remanding the case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings on the issue of res judicata. On August 9, 2017, the court vacated its November 15, 2016, judgment, reversed the decision of the ALJ, and remanded the case to the Commissioner for further administrative proceedings.

This matter now is before the court on motion to reopen the case filed by Plaintiff on November 17, 2017. Although it is not clear, it appears Plaintiff contends the ALJ has not held further administrative proceedings as directed by the Fourth Circuit and this court.

Once a social security case is remanded to the Commission under sentence four, the court

enters a final judgment and then loses jurisdiction. See Goodshield v. Covin, Civil Action No. 8:14-1809-MGL-JDA, 2015 WL 5009243, *5 (D.S.C. Aug. 19, 2015). Thus, the court is without authority to compel the ALJ to act. Accordingly, Plaintiff's motion to reopen case is **denied**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

January 30, 2018